

International Law in News



In Protecting Cultural Treasures in Combat Zones; UN SG Calls for Increased Efforts

<http://www.jurist.org/paperchase/2016/09/un-sg-calls-for-increased-efforts-to-protect-cultural-treasures-in-combat.php>

UN Secretary-General Ban Ki-moon on 23 September 2016 called on the international community to intensify its efforts to protect cultural treasures against enemy combatants in regions devastated by conflict in his press release on official website. Ban Ki-Moon specifically directed attention to attacks on cultural heritage sites in the Middle East, North Africa, Yemen and Mali among others, and termed such kinds of attacks “war crimes.” The UN has been making its own independent efforts to restore and rebuild damaged sites. In Timbuktu, a city known for its rich history and cultural heritage sites, UNESCO helped rebuild 14 mausoleums and in the process recovered hundreds of thousands of ancient manuscripts. Pointing out that “Combatants that attack cultural treasures want to dam-

age more than artefacts—they aim to tear at the fabric of societies,” Ban stated: “Today, I call on the international community to intensify the global response to attacks on cultural heritage. We have a strong legal basis that we must apply through action to protect treasures and end illicit trafficking. When we ‘Unite for Heritage,’ we will advance our broader campaign for a more just, peaceful and sustainable future.”

International Criminal Court (ICC), as states in its official website opened its first trial on last August for the destruction of historical and religious monuments. Malian Justice Minister Malick Coulibaly had said in July 2012 that he would ask the ICC to open an investigation into the destruction of Timbuktu’s mausoleums. Minister Coulibaly’s announcement came after ICC

Chief Prosecutor Fatou Bensouda told that attacks by Islamist rebels on religious monuments in Mali would not be tolerated and destruction of tombs of ancient Muslim saints in Timbuktu likely amounted to war crimes. Conflicts in Timbuktu took place against a background of signifi-

cant domestic turmoil, as Malian soldiers took control of the government and suspended the constitution in March of that year, leading to what Amnesty International characterized as the nation's worst human rights crisis since it gained independence in 1960.

One dictator down : Chad's former president has been convicted. Who's next?

<http://www.economist.com/news/middle-east-and-africa/21699871-chads-former-president-has-been-convicted-whos-next-one-dictator-down?zid=309&ah=80dcf288b8561b012f603b9fd9577f0>

HISSENE HABRE sat shrouded in sunglasses, a turban and a big white boubou on May 30th, as a court in Senegal found him guilty of crimes against humanity, rape and torture. Victims cheered after judges sentenced Chad's ex-dictator (pictured) to life imprisonment. He raised his fists and shouted: "Down with France-Afrique!"—hinting absurdly that his conviction was a French colonial plot.

Perhaps 40,000 people died in Chad during Mr Habré's reign of terror between 1982 and 1990. Armed by America (and

supported with hundreds of millions of dollars in aid because of his opposition to Muammar Qadaffi's regime in Libya), his political police crushed any tribe they deemed a threat to his rule. Simply belonging to one was enough to have you locked away in one of his prisons, the most sinister of which was a swimming pool covered in concrete. Torture was routine: a favourite technique was to tie all four limbs behind the back to induce paralysis; another was to force a victim's mouth around the exhaust pipe of a running vehicle.

Prosecutors had little difficulty linking such crimes back to Mr Habré. One woman testified that he had raped her himself. One underling recalled how prisoners' paperwork was sent to the president and returned with annotations. "E" stood for "exécuter", he said. The dictator showed no "compassion" or "regret", one of three judges concluded. Now 73, he will almost certainly die in a Senegalese jail.

This is a landmark for African justice, and a coup for the victims who have pursued it with help from Human Rights Watch, a watchdog. Mr Habré grabbed \$11m from public coffers in the last days of his regime and has lived in cosy exile in Senegal for most of the 26 years since.

The court that finally tried him, known as the Extraordinary African Chambers (EAC), is the first in Africa to sentence an African leader following due process. And it is the first anywhere in which a national court has used the principle of universal jurisdiction (meaning it can hear a case regardless of where the crimes took place) to convict an ex-head of state for human-rights abuses.

Lawyers hope it will not be the last. Usually war crimes are investigated by international tri-

bunals such as the International Criminal Court (ICC), rather than national courts. In 2012, a special tribunal in The Hague sentenced Charles Taylor, a former president of Liberia, to 50 years in jail for supporting hand-chopping rebels in neighbouring Sierra Leone. But the ICC is unpopular with African governments, which (wrongly) accuse it of racism. It also costs a fortune (the annual budget is more than \$100m) and has a dismal record for convictions (two so far). If more African courts could try human-rights abusers, either in their home countries or in those where they have taken refuge, then perhaps fewer tyrants would escape justice.

There is reason to hope this may be happening. Laurent Gbagbo, the ex-president of Côte d'Ivoire, is currently on trial in The Hague for abuses committed after he refused to relinquish power in 2010. His wife Simone faces judges at home, where she is accused of organising abuses against the opposition. Hers is the first human-rights trial to take place in the country.

Yet not all courts are created equal. Mrs Gbagbo's case is already riddled with allegations of irregularities and incomplete investigations. Côte d'Ivoire has

ignored the ICC's request that she be extradited to Europe. In other respects, the continent's appetite for accountability is rather light. The African Union, for instance, wants its own court for human-rights abuses but thinks it ought to offer immunity to heads of state. Mr Habré would no doubt agree.

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